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**SB-440, AN ACT AUTHORIZING AMOUNTS IN THE CLEAN WATER FUND TO BE USED FOR PHOSPHOROUS REMOVAL.**

The City of Meriden supports the intent of SB-440 to make Clean Water Fund moneys available for municipal water pollution control projects concerning phosphorous removal, however, we are concerned that the bill fails to address the underlying concerns relative to this issue.

We believe that the state Department of Energy and Environmental Protection (DEEP) should be directed to explore other viable alternatives to compliance that will achieve EPA's objectives without subjecting residents and businesses to huge increases in sewer bills.

DEEP has indicated that the issue bears additional study yet is expected to issue draft NPDES permits within the next two months which will impose monumental costs on a number of municipalities to upgrade plants to comply with rigid phosphorus discharge limits. DEEP also admits that the limits are essentially a moving target and that EPA will revisit the limits within a few years or limits may be revised based on additional modeling that DEEP anticipates undertaking.

Although SB-440 may provide municipalities with the opportunity to obtain some funding, given the points system that is used to rank projects, many municipalities will not receive any funding under this program.

The City of Meriden started the upgrade of their WPCF in late January 2008. After I assumed my current position in September, 2008, I had heard that the DEEP was going to add a phosphorus discharge limit to our NPDES discharge permit upon expiration of our permit in October 2010. The construction was scheduled to be completed in mid-2010.

I approached two engineers from the DEEP at a Managers Forum in November 2008 seeking their guidance on how to proceed. My thought was to be proactive and incorporate the Phosphorus upgrade into the current project, saving ratepayers money by not having to start a new project after the current project was complete. The DEEP agreed that being proactive would benefit everyone concerned. (Note: incorporating the phosphorus into the current project was estimated to save Meriden ratepayers approximately \$500,000). Meriden was advised by the DEEP to proceed with a Phosphorus study, for which Meriden received a 55% grant, and to incorporate the project into the current upgrade. At that time, Meriden was advised to upgrade to the 0.7 mg/l limit.

After the upgrade was completed, Meriden staff, as well as representatives from other plants on the Quinnipiac and Naugatuck Rivers, were invited to the DEEP office and advised that the EPA did not accept the DEP program for phosphorus removal and DEEP therefore developed a new

"interim" strategy for phosphorus removal which lowered Meriden's limit from 0.7 to .01 mg/l. With respect to the funding aspect, the DEEP utilizes a priority pointing system for projects, and due the recent upgrade, I'm unsure that Meriden would qualify for funding under the existing program since we've utilized the points for the upgrade project.

In order to comply with DEEP's proposed discharge limits, which are higher for the City of Meriden than for surrounding towns, the City will have to invest an *additional* \$13 million and spend \$600,000 annually. This places an untenable burden on residents and businesses during a very difficult economic time.

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We therefore urge lawmakers to incorporate language in the bill that directs DEEP to review alternative compliance approaches, as other states are doing, and conduct the necessary stream modeling prior to issuing draft NPDES permits. We also believe that the point system for Clean Water Funding should be revised and replaced with a funding mechanism that provides municipalities with greater certainty regarding funding options.